

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

JEFF LYNCH, et al.,

Defendants.

No. 2:22-cv-0686 AC P

ORDER

Plaintiff is a civil detainee proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

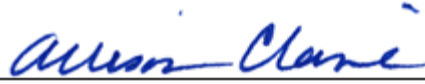
The application to proceed in forma pauperis represents that plaintiff has no cash or assets and in the last twelve months has not received any money from a business, profession, or self-employment; rent payments, royalties, interest, or dividends; pensions, annuities, or life insurance; disability or workers compensation; social security, disability, or other welfare; gifts or inheritances; spousal or child support; or any other sources. ECF No. 2. However, plaintiff's trust account statement reflects that as of April 20, 2022, plaintiff's account has an available balance of \$3,012.82. ECF No. 7 at 1. It shows that his initial balance on October 1, 2021, was \$5,154.17, and that plaintiff received the following deposits: (1) \$100.00 on January 15, 2022, February 5, 2022, and March 2, 2022, each labeled as JPAY; (2) \$40.00 on February 2, 2022,

1 labeled as JPAY; (3) \$1,200.00 on April 20, 2022, labeled as a special deposit; and (4) \$600.00  
2 and \$51.47 on April 20, 2022, labeled as miscellaneous income. Id.

3         These deposits to plaintiff's trust account suggest that plaintiff's claim in his in forma  
4 pauperis application that he received no money from any source over the last twelve months and  
5 has no cash or assets is not accurate. Plaintiff will therefore be required to file further briefing  
6 addressing: (1) the sources of the funds for the initial balance in his inmate trust account on  
7 October 1, 2021, and whether he receives income regularly from any of those sources; (2) the  
8 sources of the deposits to his inmate trust account listed above and whether he receives income  
9 regularly from any of these sources; and (3) whether he has any recurring expenses for any  
10 necessities of life.

11         Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the service of  
12 this order, plaintiff shall file further briefing in support of his request to proceed in forma pauperis  
13 as set forth above. Failure to comply with this order will result in a recommendation that this  
14 action be dismissed.

15 DATED: June 2, 2023

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17 ALLISON CLAIRE  
18 UNITED STATES MAGISTRATE JUDGE  
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